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12 IN THE UNITED STATES DISTRICT COURT
13 FOR THE NORTHERN DISTRICT OF CALIFORNIA

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15 UNITED STATES OF AMERICA,) No. CR-05-00126-CRB
16 vs.)
17 Plaintiff,) MOTION AND ~~PROPOSED~~ ORDER
18) FOR PRETRIAL RELEASE OF
19) DEFENDANT EDSHEL BANKS TO HAVE
20) SURGERY PERFORMED
21 EDSEL BANKS,) Date: October 7, 2005
22 Defendant.) Time: 2:00 p.m.
23) Court: The Honorable Charles R. Breyer

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25 Defendant Edsel Banks hereby respectfully requests this Court to calendar a hearing on
26 Friday, October 7, 2005 at 2:00 p.m. before The Honorable Charles R. Breyer to discuss the
possibility of having surgery performed on his broken foot prior to serving his sentence and
permitting him to be released from the Santa Rita jail for the surgery. The surgery is scheduled
for October 17, 2005 at San Francisco General Hospital at 1001 Potrero Street, San Francisco,
California. The surgery will be performed by Robert Franklin, M. D., whose office is located at
2401 Keith Street, San Francisco, California. Telephone number of (415) 671-7000.

27 Government counsel, Monica Fernandez has been contacted and has no objection to the
28 request for hearing.

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1 I hereby attest that I have on file the holograph signature for any signature indicated by
2 "conformed" signature (/S/) within this e-filed document.

3 Dated: 10/6/2005

4 Respectfully submitted,

5 BARRY J. PORTMAN
6 Federal Public Defender

7 /S/
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9 ELIZABETH M. FALK
10 Assistant Federal Public Defender

11 ORDER

12 For good cause, the Court hereby Orders that a hearing be calendared for Friday,
13 October 7, 2005 at 2:00 p.m.

14 Dated: October 6, 2005

